

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

GETTY IMAGES, INC., a Delaware Corporation,

Plaintiff,

VS.

ROXANNE MOTAMEDI, an individual,

Defendant.

Case No. 2:16-cv-1892

DECLARATION OF ELIZABETH ANNE
VAUGHAN IN SUPPORT OF
PRELIMINARY INJUNCTION

1. Declarant. My name is Elizabeth Anne Vaughan. I am Vice President and Corporate Counsel for Plaintiff Getty Images, Inc. (“Getty Images”). I am over 18 years of age, have personal knowledge of the facts set forth in this declaration, and am competent to testify to them.

2. **Microsoft Outlook.** Getty Images uses Office 365 Microsoft Outlook as its enterprise platform for email. Microsoft Outlook allows Getty Images to place a litigation hold on an individual user's mailbox. A hold preserves all mailbox content, including the user's archive mailbox, deleted items, and the original verions of modified items. These items are preserved for a specified period, or until the litigation hold is removed.

3. Litigation Hold. Ms. Motamedei's mailbox was subject to a litigation hold in an unrelated matter at the time she terminated employment from Getty Images on November 7, 2016. Thus, consistent with the requirements of preservation, even the emails she attempted to

1 delete were preserved. As a result of this litigation, I requested that our Information Security
 2 team export a copy of Ms. Motamedi's full email box for my review on or about December 3,
 3 2016. Attached as Exhibits 1–10 are true and correct copies of screenshots taken of Ms.
 4 Motamedi's user mailbox. Exhibit 1 shows how a copy of Ms. Motamedi's preserved user
 5 mailbox appears when opened in Outlook. Ms. Motamedi's mailbox was so large that in order to
 6 view it on my computer, Outlook automatically divided it into five separate email boxes. For
 7 example, Exhibit 1 shows on the left of the screen three of the five email boxes, with subfolders.
 8 These are all as they appeared in Ms. Motamedi's emails as Outlook stores them.

9 4. Scope of Review. I conducted a review of Ms. Motamedi's email to determine
 10 which emails she had sent from her Getty Images email account
 11 (roxanne.motamedi@gettyimages.com) to non-Getty Images email accounts, which appear to be
 12 her personal Gmail account (swissrox@gmail.com), a personal Gmail account associated with
 13 her husband, Mitchell Lucas (ml90049@gmail.com), and a personal Gmail account of Nick
 14 Evans-Lombe (nevanslombe@gmail.com), who is the former COO of Getty Images, and now
 15 founder of SilverHub, a direct competitor of Getty Images.

16 5. Evidence of Deletion. Exhibits 1–10 also show evidence that Ms. Motamedi
 17 deleted (or attempted to delete) hundreds of emails after she forwarded confidential information
 18 of Getty Images to the above referenced personal email addresses. On the left side of the
 19 screenshots in Exhibits 1–10, there is subfolder named "Recoverable Items." The subfolder
 20 "Recoverable Items" also contains the subfolders "Deletions," "Purges" and "Versions."
 21 "Deletions" are emails a person with access to Ms. Motamedi's Getty Images work email
 22 account deleted from her mailbox (*i.e.*, Ms. Motamedi). This subfolder is exposed to the
 23 individual user through the Recover Deleted Items feature in Microsoft Outlook. "Versions"
 24 contain the original and modified copies of the deleted items. "Purges" contains all items that
 25 are "hard deleted." Generally, these are emails that the user further deleted from his or her
 26 "deleted items" folder. This folder is not visible to the individual user and can only be accessed
 27 if the individual user's email account has been placed on a litigation hold. This means that
 28 someone (*i.e.*, Ms. Motamedi) forwarded emails containing sensitive Getty Images information

1 to personal Gmail accounts, deleted the items, and then attempted to hard delete the “Deleted
 2 Items” folder, so they could no longer be recovered by the Microsoft Outlook Recover Deleted
 3 Items feature.

4 6. Emails Sent to Motamedi’s Gmail Account. In order to capture screen shot
 5 Exhibit 1, I selected the “Purged Items” subfolder under “Recoverable Items” (see highlight in
 6 attached Exhibit 1) and then sorted by “to,” using one of Ms. Motamedi’s personal Gmail
 7 addresses (swissrox@gmail.com). Exhibit 1 shows one email of many in which Ms. Motamedi
 8 forwarded a “Monthly Variance Report” to her personal email address on her last day of work at
 9 Getty Images. A monthly variance report is an internal report used to measure performance
 10 against budget. It contains highly sensitive information regarding individual performance and
 11 team performance on certain financial metrics. Because these emails are in the “Purges”
 12 subfolder of the “Recoverable Items” folder, this means someone deleted these emails after they
 13 were sent. In fact, when I hover over the group of emails sent to her personal Gmail account in
 14 the “Purges” folder, there are 275 emails in this subgroup. (This same methodology was used to
 15 capture the screenshots in Exhibits 2–10.) Again, this means someone sent them, deleted them,
 16 and then took the extra precautionary step to hard delete them from the “Deleted Items” folder
 17 (*i.e.*, Ms. Motamedi or someone acting on her behalf). However, the litigation hold placed on
 18 Ms. Motamedi’s individual user email account preserved them.

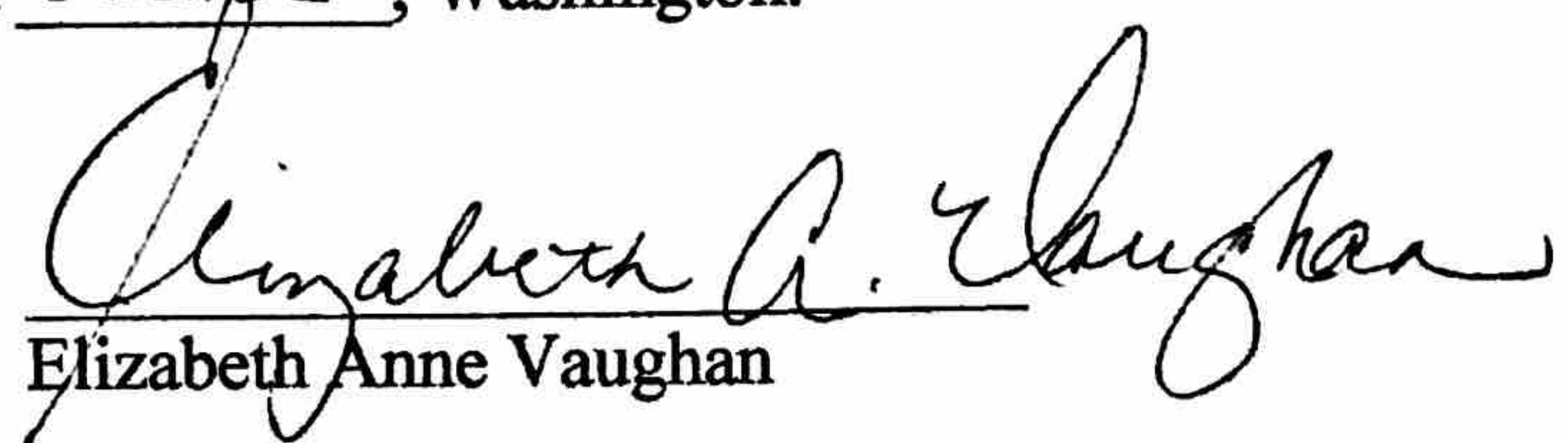
19 7. Emails Sent to Husband’s Gmail Account. Exhibit 2 shows that Ms. Motamedi
 20 sent 20 items to a Gmail account that is known to belong to her husband (ml90049@gmail.com),
 21 though it may be shared by both of them. The majority of these emails contained confidential
 22 information of Getty Images, which she did not have permission to disclose or forward to any
 23 non-Getty Images account. For example, Exhibit 2 demonstrates one of the emails contained
 24 confidential information regarding Getty Images’ relationship with one of its key customers,
 25 FOX. This same email chain contains communications from August 2016 between Ms.
 26 Motamedi and a former Getty Images contributing photographer, Frank Micelotta. It describes,
 27 in detail, the relationship between Mr. Micelotta and FOX. Like Exhibit 1, this email is in the
 28 “Purges” subfolder of the “Recoverable Items” folder, which means someone deleted the email
 DECLARATION OF ELIZABETH ANNE VAUGHAN - 3

1 after it was forwarded to her husband's email account and then attempted to hard delete it from
2 the "Deleted Items" folder, but the litigation hold placed on Ms. Motamedi's individual user
3 email account preserved it. This is just one example of the many emails that were sent to her
4 husband's Gmail address and were then deleted. If it was not for the litigation hold previously
5 placed on Ms. Motamedi's Getty Images email account in an unrelated matter, these emails
6 would have been lost. Exhibit 3 shows Ms. Motamedi sent another 24 items and Exhibit 4 shows
7 another five items that were sent from her Getty Images work email to ml90049@gmail.com.
8 Exhibits 3 and 4 also illustrate that these emails had been deleted but were recovered through the
9 litigation hold placed on Ms. Motamedi's Getty Images email account.

10 8. Other Deleted Items. Exhibit 5 shows the result after I selected the "Deleted
11 Items" subfolder under "Recoverable Items" and again sorted by "to" and swissrox@gmail.com.
12 It shows that 12 items were sent to her personal email box and then were deleted. Exhibit 6
13 shows the result after I selected "Deleted Items," sorted by "to" and nevanslombe@gmail.com.
14 It shows 2 items, including an email from Ms. Motamedi sent to Mr. Evans-Lombe about
15 offering one of Ms. Motamedi's then direct reports at Getty Images a job at SilverHub, deleted
16 and restored. Exhibits 7–10 show similar screenshots that demonstrate a continued and
17 consistent pattern where Ms. Motamedi sent confidential information and then sought to conceal
18 that by deleting the email records. Had the litigation hold not been in place, Getty Images would
19 not have been the wiser and Ms. Motamedi's deception would likely have gone unchecked.

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21 I declare under the penalty of perjury under the laws of the United States that the
22 foregoing is true and correct.

23
24 DATED this 9th day of January, 2017, at Seattle, Washington.

25
26 
27 Elizabeth Anne Vaughan